

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

23-CR-15-LJV-HKS
DECISION & ORDER

EDVIN YUG DENG,

Defendant.

1. On December 4, 2023, the defendant, Edwin Yug Deng, pleaded guilty to Count 1 of the Indictment charging a violation of Title 21, United States Code, Sections 952(a), 960(a)(1), and 960(b)(3), and Title 18, United States Code, Section 2 (importation of a controlled substance). Docket Item 42.

2. On December 4, 2023, the Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 44.

3. This Court did not receive objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object expired.

4. The Court then carefully reviewed *de novo* Judge Schroeder's Report & Recommendation (Docket Item 44), the plea agreement (Docket Item 42), the indictment (Docket Item 11), a transcript of the plea proceeding (Docket Item 45), and the applicable law. Based on that review, this Court conducted a subsequent plea colloquy on February 13, 2024.

5. With the addition of this Court's subsequent plea colloquy, the Court adopts Judge Roemer's recommendation that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty of Count 1 of the information. Therefore,

IT IS HEREBY ORDERED that this Court adopts Judge Schroeder's December 4, 2023 Report & Recommendation, Docket Item 44, in its entirety, including the authorities cited and the reasons given therein; and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Edwin Yug Deng, is now adjudged guilty under Title 21, United States Code, Section 952(a), 960(a)(1), and 960(b)(3), and Title 18, United States Code, Section 2.

SO ORDERED.

Dated: February 20, 2024
Buffalo, New York



LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE